

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-15-A. Administrative Enforcement: Agency Representation in
Hearings and Signing of Consent Agreements

1. AUTHORITY.

a. To represent the Agency in administrative enforcement actions conducted under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and 5 U.S.C. Section 554 and;

b. to negotiate consent agreements between the Agency and respondents resulting from such enforcement actions and;

c. to initiate an appeal from an administrative determination, and to represent the Agency in such appeals.

2. TO WHOM DELEGATED.

a. The authorities in 1.a. and 1.c. are delegated to the Regional Counsel.

b. The authority in 1.b. is delegated to the Director, Land and Chemicals Division (LCD); Associate Director, Office of Toxics and Pesticides, LCD; Chief, Pesticides and Asbestos Programs Branch, LCD; Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ); and Chief, Enforcement and Compliance Assistance Branch, OECEJ.

3. LIMITATIONS.

a. This authority may only be exercised after the alleged violator either files an answer or fails to file an answer in the specified time period.

b. Only the Assistant Administrator for Enforcement and Compliance Assurance may exercise the authority to initiate appeals.

c. The Assistant Administrator for Enforcement and Compliance Assurance must consult with the Regional Administrator or his/her designee and the Assistant Administrator for Prevention, Pesticides, and Toxic Substances or his/her designee prior to initiating an appeal.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

5-15-A. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements (Cont.)

3. LIMITATIONS (Cont.).

d. The delegates other than Regional Counsel must obtain the concurrence of the Regional Counsel or his/her designee prior to exercising these authorities.

e. The OECEJ delegates may only exercise these authorities in multi-media cases.

f. The OECEJ delegates must consult with the LCD delegates before exercising these authorities.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. Sections 9(c) and 14 of FIFRA.

b. The Agency official who signed the complaint should sign the settlement agreement.

6. SUPERSESSION. Delegations Manual, FIFRA, Regional Delegations 5-15-A. Administrative Enforcement: Agency Representation in Hearings and Signing of Consent Agreements, 1200 TN RIII-128 (September 30, 1998).

Date 2/27/03

/s/
Donald S. Welsh
Regional Administrator